

Pg 1 of 1

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VIA OVERNIGHT MAIL



Hon. Martin Glenn

Judge of the U.S. Bankruptcy Court

In and for the Southern District of New York

One Bowling Green

New York NY 10004-1408

Re: In Re ResCap, Action No. 12-12020
Claim No. 4445

Dear Judge Glenn:

At the end of today's hearing on the above-captioned claim, you asked for any case citations that may be relevant to the holding of *Kachlon vs. Markowitz*(2008) 168 Cal. App.4th 316.

I inadvertently failed to mention a case that I wanted to bring to the Court's attention, and which is relevant to *Kachlon*. That case is *Barrionuevo vs. Chase Bank, N.A.* (N.D. Cal. 2012) 885 F.Supp.2nd 964. The Court, at P. 975, denied a FRCP 12(b)(6) motion based on plaintiff's allegations that the requisite notices were published by an illegal trustee with "malice and a reckless disregard for the truth"; the Court further held that "plaintiffs have met their burden to plead sufficient factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." [citing *Ashcroft vs. Iqbal* (2009) 556 U.S. 662, 129 S.Ct. 1937.

I apologize for not earlier bringing this case to the Court's attention. Thank you very much.

Very truly yours,

ALAN MOSS

cc: Jessica Arett, Esq., MoFo